

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARRELL W. KIRKWOOD,

Petitioner,

vs.

JACK PALMER, *et al.*,

Respondents.

3:07-cv-00303-LRH-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court for initial review following upon the petitioner's filing of supplemental exhibits (#12) in response to this Court's prior orders (## 5 & 11) as well as upon a letter (#15) requesting a status check.

The supplemental exhibits filed by petitioner do not contain all of the materials required by the Court's prior orders and/or the petition form. The exhibits do not include: (a) the February 8, 2007, order of the Supreme Court of Nevada on petitioner's state post-conviction appeal; and (b) the entire petition filed on or about September 12, 2006 in the Supreme Court of Nevada, the state high court's order thereon, and any remittitur issued thereon. As to item (b), the supplemental exhibits contain only the first four pages of the petition, which are stamp-numbered 270 through 274.

Petitioner will be given one more opportunity to comply fully with the Court's prior orders. If the petitioner does not both timely and fully comply with the present order, the case will be dismissed without further advance notice.

1 With regard to the petitioner's letter requesting a status check, Local Rule LR 7-6 permits parties
2 to submit a letter to the Court after a matter has been submitted for action for more than sixty days.
3 Petitioner's supplemental exhibits were not entered on the docket until February 26, 2008, and the
4 matter has not been pending for screening with the exhibits for more than sixty days. While the Court
5 endeavors to act on all pending matters as promptly as possible, the Court is not able due to its docket
6 to reach every pending matter on a thirty-day turnaround time. Moreover, petitioner's continuing failure
7 to timely and fully comply with this Court's orders is delaying the overall disposition of the case, as the
8 Court keeps bringing the case up for review only to find that petitioner has failed to file all required
9 materials. Petitioner's motion for appointment of counsel remains under submission pending the
10 Court's completion of initial screening, which the Court has been unable to complete to date because
11 of the petitioner's failure to file all required materials.

12 IT THEREFORE IS ORDERED that, within thirty (30) days of entry of this order, petitioner
13 shall mail for filing supplemental exhibits containing copies of: (a) the February 8, 2007, order of the
14 Supreme Court of Nevada on petitioner's state post-conviction appeal; and (b) the entire petition filed
15 on or about September 12, 2006 in the Supreme Court of Nevada, the state high court's order thereon,
16 and any remittitur issued thereon. If the petitioner does not both timely and fully comply with the
17 present order, the case will be dismissed without further advance notice.

18 DATED this 7th day of April, 2008.



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21 LARRY R. HICKS
22 UNITED STATES DISTRICT JUDGE
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